

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

District of Massachusetts

RICH REINISCH, Derivatively on  
Behalf of BIOPURE CORPORATION,  
Plaintiff,

SUMMONS IN A CIVIL ACTION

04 10215 NG

V.

THOMAS A. MOORE, CARL W. RAUSCH,  
DAVID N. JUDELSON, CHALRES A.  
SANDERS, M.D., C. EVERETT KOOP,  
M.D., DANIEL P. HARRINGTON and  
J. RICHARD CROUT, M.D.,

CASE NUMBER:

Defendants,

and  
BIOPURE CORPORATION, a Delaware  
Corporation,

Nominal Defendant

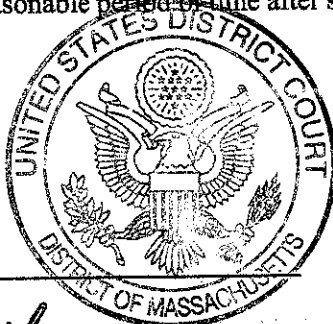
TO: (Name and address of Defendant)

DANIEL P. HARRINGTON  
1010 West Hill Drive  
Gates Mills, OH 44040

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Mary T. Sullivan  
SEGAL ROITMAN & COLEMAN  
11 Beacon Street, Suite 500  
Boston, MA 02108  
617/742-0208

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

DATE

JAN 29 2004

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**RICH REINISCH, Derivatively on Behalf of  
BIOPURE CORPORATION,**

**Plaintiff,**

**v.**

**THOMAS A. MOORE, CARL W. RAUSCH,  
DAVID N. JUDELSON, CHARLES A.  
SANDERS, M.D., C. EVERETT KOOP, M.D.,  
DANIEL P. HARRINGTON and J. RICHARD  
CROUT, M.D.,**

**-and-**

**Defendants,**

**BIOPURE CORPORATION, a Delaware  
Corporation,**

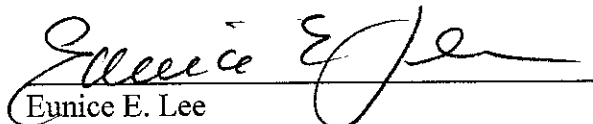
**Nominal Defendant.**

**CASE NO. 04-10215-NG**

**DERIVATIVE ACTION**

**ACCEPTANCE OF SERVICE OF SUMMONS**

I, Eunice E. Lee of Bingham McCutchen LLP, with offices located at 150 Federal Street, Boston, MA 02110, am authorized to and hereby do accept service of Summons and Complaint on behalf of Defendant Daniel P. Harrington in above-captioned matter this 15th day of March, 2004.



Eunice E. Lee  
BINGHAM McCUTCHEN LLP  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000

Counsel for Defendants Thomas A. Moore, Carl W. Rausch, David N. Judelson, Charles A. Sanders, M.D., C. Everett Koop, M.D., Daniel P. Harrington and J. Richard Crout, M.D.